

**MINUTES  
TOWN OF EDGEWOOD  
MARCH 4, 2009 @ 6:30 P.M.  
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

**1. CALL TO ORDER.**

Mayor Stearley called the Meeting to order at 6:30 P.M. All Councilors were present.

Also present were Mr. Rodney Gabaldon, Town Attorney, Ms. Karen Mahalick, Community Development & Planning Manager, and Ms. Estefanie Muller, Clerk-Treasurer.

**2. PLEDGE OF ALLEGIANCE.**

**3. APPROVAL OF AGENDA.**

**MOTION:** Councilor Felton made a motion to approve the Agenda as presented with a change of Item 10B and 10C to be moved after Item 15. Councilor Abrams seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**4. MATTERS FROM THE MAYOR.**

None.

**5. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.**

Councilor Simmons updated on the meeting she attended at the Senior Center for Santa Fe County. Councilor Hill also attended the meeting.

**6. MATTERS FROM THE ATTORNEY.**

None.

**7. PUBLIC COMMENTS. (Limit to 2 minutes per person).**

**Note: If you plan to testify under Public Hearings, please do not sign up for this topic.**

Mr. Chuck Ring commented about the Town's gross receipts and asked about the financial advisor.

Mr. Frank Hecknecker stated the Town collects money from taxes and he lives by the airport. He stated Rainbow Road is gravel, is a school bus route and all these years it is still gravel. When would the Town ever pave it? Mayor Stearley responded by saying the Staff is taking data with traffic counts and will update in the future. Mr. Hecknecker stated the dust blows to the east side of the road going to the homes there when vehicles travel Rainbow Road. The Environmental Protection Agency visited Edgewood several years ago.

**8. MATTERS FROM THE MUNICIPAL JUDGE.**

A. Judge White will present his report for the month of February, 2009. Judge White reviewed his report with the Council. He clarified the UTO information and some of the traffic violations are still in effect, he is working on the correct information for adoption.

Judge White stated he met with Chief Swanberg to formalize what is to be expected in court from the police officers and what he as a Judge will do. Judge White stated he had followed this process with Chief Welch also.

**9. APPROVAL OF MS. ANDREA CORVIN AS THE LIBRARIAN ASSISTANT.**

Ms. Peggy Martinez, Librarian, introduced Ms. Corvin and stated Ms. Corvin will run the summer reading program, and coordinate the volunteer schedule. The new hours of operation will be:

Monday and Wednesday	10:00 AM – 6:00 PM
Tuesday and Thursday	12:00 Noon – 7:00 PM
Friday	10:00 AM – 5:00 PM
Saturday	10:00 AM – 3:00 PM
Sunday	Closed

**MOTION:** Councilor Felton made a motion to approve Ms. Andrea Corvin at a Grade 24 Step 5 (\$10.03 per hour) as a full time employee with a six month probation and benefit package. Councilor Simmons seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

**10. PUBLIC HEARINGS.**

**Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:** Ms. Mahalick certified that Public Notice has been posted as required.

B. Request to Amend the Sign Ordinance.

Mr. Ron Richards, Sears Store expressed his concern on the banner section of the ordinance where he prefers no policing on them. He feels there should not be an approval process or the need for a permit to have a banner. He stated the store has seasonal and sale banners and prefers no restrictions or report of having them. The banners cost money and with the economic times the public needs to know he is there. Councilor Hill stated there needs to be a balance with the banners and the Council also needs to respond to the community as some people do not like banners. He asked Mr. Richards if he would be willing to accept some restrictions to which Mr. Richards stated he would have no choice. Councilor Hill added some businesses may not be self policing. Councilor Felton stated

there are three businesses at this location relying on banners, couldn't they work on a multi-tenant sign to which Mr. Richards stated they are currently working with the owner of the building.

Mr. Ray Seagers stated the key element for advertising is banners and the ordinance allows them for 125 days after which the banners become permanent signs. The Council discussed banners and the relation to temporary signs; notice to the Town on the first day the banner is placed begins the 125 day time frame. Councilor Felton referred to the new ordinance and stated that banners were phased out.

Mr. Brent Perkins, Furniture Connection addressed banners and stated all banners should be hung properly as they are costly. His company due to their location, faces the interstate and they rely on banners for their advertisement. If banners are allowed he would take the time to purchase nice banners, keep them clean and hung tightly. Councilor Simmons asked Mr. Perkins if he would rotate his banners to which he answered yes. He has a permanent sign on the side of the building and would prefer banners on the front of his store to advertise sales. Mrs. Perkins stated they spend the money on banners for product knowledge.

Mr. Dan Liero, Rich Ford requested language be added that requires the banners be well maintained and he is ok with the 125 days for banners. He would like to place a banner to announce Rich Ford being open on Sundays and would like this as a permanent banner; he sees where the maintenance of banners should be enforced.

Mr. Ray Seagers discussed banners becoming permanent as he did not want to compromise total signage allowance. Councilor Felton commented on asking for both banners and keeping total signage allowance and the business community asking for both.

Mr. Ralph Hill, Chili Hills stated he had attended meetings for 4 ½ years on the sign ordinance where it has been modified and rejected. He discussed his remodel, ads, flyers and having a portable sign that was illegal. He stated signs are important to small businesses and feels this sign ordinance should be approved and then come back for modification as needed.

Ms. Stearley congratulated the sign committee and the Mayor for the many hours spent on the sign ordinance. She stated she was in Santa Fe and took notice of their signs and banners. She stated that after 3 or 4 times passing them you don't notice the signs but banners are noticeable when they are clean and nice looking. She asked some of the businesses how they felt about banners; some businesses appreciated them and others stated that banners are not cared for, they come loose and fall into the street creating a hazard or they are hung too loose and flap around. There are pros and cons for banners.

Ms. Pauline Freeman, Mail & Copy thanked the Mayor for time allowed to work on the sign ordinance, although this ordinance does not have everything they want they would try and work with this one.

Mr. Steve Hines, Falcon Industries commented on signage problems. He talked about signs and graffiti and how this sends a bad message, and the need for control.

Mayor Stearley discussed sign height and the model at Mr. Seagers' business. He discussed George Ct. where everyone would have the same size sign on commercial land. Mr. Seagers discussed the variance procedure for those who would need a larger sign. Mr. Dan Liero asked about off-site signs to which Ms. Mahalick responded that the property owner would need to approve or contract with a billboard company. Mr. Seagers discussed the overlay zone in the ordinance. Councilor Hill stated the Ordinance can be changed if the Council sees the benefit and the need to do so.

At this time Mayor Stearley closed the public comments and asked Council to review the draft ordinance which they were handed out page by page. Those reviewed comments follow and are listed by line number.

**MOTION:** Councilor Hill made a motion to adopt proposed changes as reviewed subject to a consensus by each Councilor. Councilor Abrams seconded the motion.

Ms. Mahalick reviewed each page with the Council as follows:  
Line 71(9) to state: To encourage signs that will enable consumer traffic traveling roadways at posted speed limit to locate our local businesses easily and safely.  
All Council consented.

Line 89 delete 6 and 7.  
All Council consented.

Line 91(8) "Flags" to remain and remove all words following.  
All Council consented.

Line 184(4) ... person in control of the vacant property requests such extension "in writing" to be added.  
All Council consented.

Line 204 to add Section 3.D.1. Remove all the words following.  
All Council consented.

Line 282 .... Whichever is "less" instead of "greater".  
All Council consented.

Line 511 Delete this line.  
All Council consented.

Line 521 add “not to exceed 60%”.  
All Council consented.

Line 617(5) ... required by the (remove “any”) Building Codes...  
All Council consented.

Line 622 Remove the word “sandwich” and Line 623 remove the words “A-frame, hand-held sign, and costume character”.  
All Council consented.

Add from Old Sign Ordinance, Section 5 Prohibited Signage #8 that states, “Any sign which emits audible sound, odor, smoke, steam, laser or hologram lights, or other visible matter, including any sign that employs any stereopticon or motion picture projection”.  
All Council consented.

Line 852 change “destroyed” to “disposed of”.  
All Council consented.

The Council clarified for the public the changes they had consented to. Mr. Dan Liero stated one wall is 90% glass of their building and how would his advertising be affected, Ms. Mahalick stated these could be considered on a case by case situation. The public expressed concern on the wall signage not being large enough. Councilor Abrams stated the owner can then go through the variance process.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye.  
Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

C. Request to Amend the Zone Ordinance to Re-Define C-1 and C-2 Categories. Ms. Mahalick stated the request is to amend the zoning categories to more closely identify the intensity of use with neighboring jurisdictions. She recommends amending the zoning definitions for C-1 to become light commercial and C-2 to become heavy commercial categories. This would not result in any down-zoning or change of use for current property zones.

**MOTION:** Councilor Hill made a motion to approve the Zone Ordinance to Re-define C-1 and C-2 Categories. Councilor Simmons seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye.  
Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required:** Ms. Karen Mahalick certified that Public Notice has been posted as required.

**This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.**

**Confirmation of no conflict of interest or ex-parte communication.**

Mayor Stearley confirmed to no conflict of interest or ex-parte communication.  
Councilor Felton confirmed to no conflict of interest or ex-parte communication.  
Councilor Abrams confirmed to no conflict of interest or ex-parte communication.  
Councilor Hill confirmed to no conflict of interest or ex-parte communications.  
Councilor Simons confirmed to no conflict of interest or ex-parte communications.

D. Zone Change from Residential One Acre R-1 to Commercial; for  
Property located South of Highway 333 approximately ½ mile east of the  
Intersection of Highway 333 & 344:  
(1) Tracts E, Land of Nanneman.

At this time all parties testifying were sworn in.

Ms. Mahalick stated the applicant has appeared before the Planning & Zoning Commission. The current tract is residential with three sides as C-1.

Ms. Kay Nannemann-Wilkes stated they owned the land since 1985 and assumed the tract was commercial.

**MOTION:** Councilor Hill made a motion to approve the zone change from Residential One acre R-1 to Commercial for Tract E, Land of Nannemann. Councilor Felton seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye.  
Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

E. Zone Map Amendment.

**MOTION:** Councilor Hill made a motion to approve the zone map amendment as approved for commercial above. Councilor Abrams seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

**11. PARKS & RECREATION REPORT – Ms. Linda Hill.**

F. Parks & Recreation Report for the month of February, 2009.

G. Parks & Recreation Meeting Minutes of January 22, 2009.

Councilor Felton asked for clarification to the Minutes of January 22<sup>nd</sup>, 7) b)ii)(4) on the in-kind work for 8-10 hours per month and how this falls with the anti-donation clause. The Clerk, Ms. Mueller, stated she will follow up and update the Council.

**MOTION:** Councilor Felton made a motion to accept the Parks & Recreation Report and the Minutes of January 22, 2009. Councilor Simmons seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**12. COMMUNITY DEVELOPMENT REPORT.**

H. Update Rural Transportation Infrastructure Project Report.

Ms. Mahalick stated the Mid-Region Council of Governments Rural Transportation Planning Organization Technical Advisory Committee reviews project proposals and sends to the respective districts recommendations for highway projects. For District 5, Edgewood's request for a safety project was added on February 20, 2009 for Highway 333 west. There is an area going westbound during winter weather vehicles slide off the road adjacent to large box culverts which are a 10 ft. drop. This project will be added to the maintenance budget as well as guardrails on Highway 344 midway between Dinkle and Venus Roads.

I. Update of the February 21, 2009 Planning Meeting.

Ms. Mahalick stated this meeting helped determine the list for the 2011-2015 ICIP top 5 priorities for Council consideration for funding purposes. She stated 32 members of the audience attended the meeting for the Regional Animal Shelter presentation and 26 members of the audience remained. Mr. Jerry King, State Land Office and Mr. Stan Holden, Fire Chief, Santa Fe County were present. Discussed was the shelter location, possible noise disturbance for the future fire department and the cost of the facility.

The following sites received star stickers for a priority:

Public Works facility	71
Regional Animal Shelter	57
Recreational Facilities	41
Library Facility	17
Community Center Facility	2

**13. APPROVAL TO AWARD BID FOR APPRAISAL OF 5.56 ACRES FOR LAND ACQUISITION.**

Upon discussion Council asked this be an administrative decision.

**14. APPROVAL OF PREVIOUS MINUTES.**

J. Regular Council Meeting Minutes of February 18, 2009.

**MOTION:** Councilor Simmons made a motion to approve the Minutes as presented. Councilor Felton seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

**15. ACKNOWLEDGE RECEIPT OF THE PLANNING & ZONING COMMISSION MEETING MINUTES.**

K. Regular Planning & Zoning Commission Meeting of February 16, 2009.

**MOTION:** Councilor Simmons made a motion to acknowledge receipt of the Planning & Zoning Commission Meeting Minutes of February 16, 2009. Councilor Brad seconded the motion for discussion.

Councilor Hill asked Mayor Stearley if he had attended this Zoning Meeting to which Mayor Stearley stated yes. Councilor Hill stated to Mayor Stearley he will need to consider his response to the no ex-parte communication or conflict of interest statement when the Campbell Ranch matter comes before Council, especially if he the Mayor will need to break a tie vote. Councilor Hill cautioned on attending meetings where a matter may come before Council for a vote.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

**16. RESOLUTIONS.**

L. Budget Resolution No. 2009-18 – General Fund Transfer into the Wastewater Capital Project Fund.



**MOTION:** Councilor Felton made a motion to approve Budget Resolution No. 2009-18. Councilor Abrams seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

**17. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA ITEMS.**

M. Regular Council Meeting – March 18, 2009

N. Regular Council Meeting – April 1, 2009.

O. Regular Council Meeting – April 15, 2009.

**18. ADJOURN.**

**MOTION:** Councilor Simmons made a motion to adjourn the Meeting.

**VOTE:** All Councilors voted aye.

Mayor Stearley adjourned the Meeting at 9:39 P.M.

**PASSED, APPROVED and ADOPTED this 1st day of April, 2009.**

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Honorable Robert Stearley, Mayor

**ATTEST:**

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Estefanie B. Muller, Clerk-Treasurer